

REMARKS

A. Request for Reconsideration

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the amendments to the claims and the following remarks.

B. Claim Status and Amendments

Claims 15-17, 19 and 20 are presented for further prosecution.

Claim 16 has been amended to clarify that the copper salts of caprylic amino acids are administered to fruit of the grape crops as suggested by the Examiner.

C. The Office Action

Claims 15, 17 and 20 had been allowed. Claim 16 had been rejected as being anticipated by De Mil (US 4,797,151). Claim 19, which had previously been allowed, had been rejected as being unpatentable over Morelle (GB 2097256).

Applicants had previously submitted the "Gibberellin and Flame Seedless Grapes" article to evidence that those in the art understand that treatment during different stages of plant life lead to different properties (see page 5, par. 3 of August 18, 2005 Submission). In addition, Applicants noted that De Mil explains that treatment during flowering increases the amount of the fruit, while treating the fruit itself as recited in claim 16 increases the sugar content (see page 7, par. 3 of August 18, 2005 Submission). Applicants therefore respectfully submit that the treatment period is critical in order to achieve the increased sugar content recited in claim 16.

It is therefore submitted that De Mil does not inherently teach the increased sugar content of claim 16.

3. Morelle does not teach or suggest the amount of claim 19

The Examiner had cited examples C1) and C2) on page 5 of Morelle to teach the method of claim 19. Applicants respectfully disagree with the rejection.

Claim 19 recites that 3-5 grams of a zinc salt of a butyric amino acid is applied to 100-150 kilograms of the crop to protect the crop from animals. First, Morelle does not teach or suggest the claimed amount. Second, Applicants submit that it would not be obvious to employ the claimed amount, because

Morelle does not explain that such as amount is effective to prevent animals from eating the crop.

Applicants therefore respectfully submit that claim 19 is not obvious based on Morelle because Morelle does not suggest the claimed amount and because Morelle does not suggest using the claimed compound to prevent animals from eating the crop.

D. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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